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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING

2  
3 UNITED STATES PATENT AND TRADEMARK OFFICE

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5  
6 BEFORE THE BOARD OF PATENT APPEALS  
7 AND INTERFERENCES

8  
9  
10 *Ex parte* TOSHIKI MORI, MINORU KURIKI, YASUYUKI JINBO,  
11 KIYOTO NAGANUMA and MASAO AIHARA

12  
13  
14 Appeal 2009-001394  
15 Application 09/487,265  
16 Technology Center 3600

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18  
19 Oral Hearing Held: May 21, 2009

20  
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22  
23 Before MURRIEL E. CRAWFORD and JOSEPH A. FISCHETTI and  
24 BIBHU R. Mohanty, *Administrative Patent Judges*.

25  
26 ON BEHALF OF THE APPELLANT:

27  
28 J. RANDALL BECKERS, ESQ.  
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34  
35 The above-entitled matter came on for hearing on Thursday, May 21, 2009,  
36 commencing at 10:08 a.m., at the U.S. Patent and Trademark Office, 600  
37 Dulany Street, Alexandria, Virginia, before Kevin E. Carr, Notary Public.

PROCEEDINGS

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3 THE CLERK: Good morning. Calendar No. 59, Mr. Beckers.

4 JUDGE CRAWFORD: Good morning.

5 MR. BECKERS: Good morning, Your Honors.

6 JUDGE CRAWFORD: You can begin as soon as you're set up and  
7 ready.

8 MR. BECKERS: Thank you.

9 Your Honors, as set forth in Claim 1, this invention is directed to a  
10 message processing apparatus that includes a message generation unit, that  
11 produces a message that is sent to a worker.

12 Now this message of critical importance has in it a blank space. That  
13 blank space is there to allow the worker to make an offer, a date, an offer  
14 date as to when a job that has been assigned to a group of workers, to which  
15 the receiver is part of, to make a counter-offer back to the manager,  
16 essentially the manager, as to a date in which that job, which has been  
17 assigned, will be completed.

18 And that message is transmitted by an acquisition transmitting unit  
19 that transmits that message to the receiver or worker. Then this message is  
20 received back by that acquisition unit.

21 And then a control unit causes the offer date that's received back in  
22 that blank space to be displayed, along with the decision result, about that  
23 offer.

24 Now the Examiner admitted in the Final Office Action that the Oliver  
25 reference did not include such a message generation unit, and turned to the  
26 Nakoaka reference to argue that it taught a message generation unit.

1       The Examiner particularly pointed out column 2, lines 20-25, of  
2       Nakoaka. This message text particularly says, specifically to each user,  
3       there is a task entry list, having works that should be executed by the user  
4       from tasks that the work flow system should support.

5       Therefore, the user can avoid such an accident that the user forgets the  
6       user's own work.

7       This is not a message generation unit, Your Honors. This is merely a  
8       list of tasks that the user is supposed to perform. And therefore, there is no  
9       message blank space in the message, as called for in the claim, an entry  
10      space for a completion date offer.

11      Nor does this address a display that displays those offers of  
12      completion dates of the job. Nor is there a display of a decision result in this  
13      part of the prior art.

14      The Examiner also compares the transmission of the message to  
15      workers, where that message has that blank space, and a return of the  
16      completed blank space message to the interrogation of the Oliver system.

17      The Oliver system is an earned value system that allows a person who  
18      is tracking an ongoing project to determine how much of the earned value  
19      has already been earned in a project.

20      And the Examiner compares that interrogation, the interrogation of the  
21      Oliver system, which is about earned value, to these messages that get sent  
22      to the workers, and responds back with this completed blank space, which  
23      includes the offer as to the job completion data, okay? And I just can't see  
24      that this system, this earned value system interrogation, is anything like the  
25      transmission and reception of a message that includes an offer date for the  
26      completion of a job. It just doesn't make sense to me, okay?

1       The Examiner also compares the display of the completion date  
2 offers, which is, along with the decision result about those offers, the  
3 decision result being as the specification says, accepted or rejected as to that  
4 particular date offer for the completion of the job.

5       The Examiner compares that to the display of the earned value  
6 information that is displayed in Oliver. Now this earned value information  
7 that is displayed in Oliver is a graph that shows how -- along the project,  
8 how much the earned value is, relative to the time of the length of the  
9 project.

10       If you're into the project 30 weeks, it shows the earned value for 30  
11 weeks. If you're into the project for 100 weeks, it shows that value.

12       I see no correlation at all with respect to displaying an offer date for  
13 the completion of a job, and the decision result about that job with this  
14 display of a graph. There just doesn't seem to be any comparison, no  
15 equivalence whatsoever.

16       And that's what's in Claim 1.

17       Claim 22 goes further, okay? It says that the message generation unit  
18 also transmits a message that includes a completed date stated in the  
19 message, a date by which -- in the claim it's called "In place of the  
20 completion date". "A completion date each receiver desires to agree in place  
21 of the completion date stated in the message."

22       The message has essentially a target date in it. The message that's  
23 sent to the workers has a target date in it for when the job needs to be  
24 completed.

25       And essentially the workers can override that, okay? And so in Claim  
26 22, there is also a control unit that causes a terminal to display in a table

1 form, okay, the title of the message -- the original message sent to the  
2 worker or the receiver, okay; the names of the plurality of the receivers, the  
3 names of all the people that actually receive this message about this job task,  
4 okay; and the completion dates that were entered into the entry spaces  
5 attached to the message by the plurality of the receivers, or job -- the  
6 workers, okay, respectively, with a decision result with respect to the  
7 completion date offers of the receivers or workers.

8 Now the Examiner tries to compare this, essentially, ability to  
9 override a suggested completion date with a display of the earned value in  
10 Oliver.

11 And again, I don't see any display of earned value having any  
12 correlation or equivalence to a message that has a suggested target date for  
13 the completion of a job.

14 An earned value graph, it seems to me, is nothing like a message that  
15 has a target date in it, okay?

16 And the Examiner also takes this table, which the claim calls for, and  
17 tries to compare that table. That table includes the message title. Again, the  
18 worker or receiver's names, who have been asked to complete the job; the  
19 job completion date offers or the dates upon which the workers have said  
20 they will complete the jobs; and the decision result about those offers.

21 And the Examiner compares that again with the earned value graph in  
22 Oliver, and with some other information such as cost variance and other  
23 stuff that can also be provided.

24 And again, I just don't see a correlation between a table, okay, that  
25 shows names of workers, the dates when they've offered to complete the job,  
26 and the decision result with respect to those offered completion dates.

1 I don't see a correlation whatsoever.

2 Now dependent Claim 29, okay, calls for receiving a completion date  
3 reply. And then it calls for displaying a ratio.

4 Now this is a very particular ratio, okay? It's a ratio of persons who  
5 have received the message, and completed the assigned parts of the job, to  
6 all the persons who have received the message and have been assigned parts  
7 of the job.

8 So it's a ratio of people who have received the message, and  
9 completed the job, to the people who have received the message, okay?

10 And this is a very, very particular ratio. And the Examiner compares  
11 this ratio that we've got to the percent complete described in Oliver, which is  
12 a comparison or a percent complete, which is the actual earned value to a  
13 baseline earned value.

14 Now again, we're comparing two graphs; if you look at the figures in  
15 Oliver, there's a graph of the baseline for the earned value, and then there's a  
16 graph of the actual earned value.

17 And this is -- trying to compare earned value to earned value in a  
18 percent complete. That just doesn't seem to me to be anything like a ratio of  
19 people who have been sent the received message and completed the job to  
20 the people who have received the message and been assigned the job. It just  
21 seems, you know, not comparable, okay?

22 Now dependent Claim 4, okay, dependent Claim 4 calls for the  
23 message to contain a job completion button, okay? And then it also calls for  
24 counting the number of -- "button completions" it's called, and then  
25 displaying the ratio.

1           The Examiner points to Oliver at column 8, lines 21 to 29, and in this  
2 text again Oliver discusses earned value related information, and says  
3 nothing about a button and counting buttons.

4           Again, I see no correlation to what is being argued by the Examiner.

5           Moving on to Dependent Claim 6. Dependent Claim 6 calls for a  
6 mandatory display of the ratio. I didn't see the Examiner argue against that  
7 at all. I mean, the Examiner waved her hands, it seemed, at this argument,  
8 and didn't respond directly to it.

9           And I see nothing in Oliver or Nakoaka that calls for the mandatory  
10 display of a ratio.

11           Dependent Claim 7. It calls for displaying the ratio when, one, if a  
12 specific date is reached, or the ratio reaches a pre-assigned value. Again,  
13 there doesn't seem to be anything in Oliver or Nakoaka with respect to this.  
14 The Examiner does try to point to Oliver for this.

15           In dependent Claim 8, dependent Claim 8 calls for the display of the  
16 ratio on a very specific data, a specific day. And again, Oliver and Nakoaka  
17 say nothing about this.

18           So to sum up, I think we've got a situation where: we send a message  
19 to a worker. The message asks the worker to complete a blank space in the  
20 message that is an offer to complete a particular job.

21           That message is transmitted back to a control unit. That control unit  
22 then displays those completion date offers, and the decision result, accepted  
23 or rejected, about those completion date offers.

24           And we just don't see Oliver or Nakoaka having any relevance at all to  
25 this.

26           Any question?



- 1 JUDGE CRAWFORD: Questions?
- 2 (No response.)
- 3 MR. BECKERS: Okay.
- 4 JUDGE CRAWFORD: Thank you.
- 5 MR. BECKERS: Thank you very much.
- 6 (Whereupon, at 10:20 a.m., the proceedings were concluded.)